SBCivil Writ Petition No.5446/2005

Smt.Vandana Singhvi
Vs.
State of Rajasthan & Ors.

Date of Order :: 6th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Sundeep Bhandawat, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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By this petition for writ a challenge is given to the notice issued by Government of Rajasthan for initiating disciplinary proceedings against the petitioner on the count that while holding the office of Assistant Director, Department of Land & Building Tax, Udaipur during the period commencing from 18.9.1993 to 26.7.1995 she undervalued certain property as a consequent thereto the State Government faced a loss of revenue.

While giving challenge to the notice aforesaid it is contended by counsel for the petitioner that no disciplinary proceedings can be initiated against the petitioner as whatever action taken by the petitioner was while exercising quasi judicial powers and such an error, if is not an out come of malafides or corrupt practice then it does not constitute any misconduct.

As a matter of fact the controversy involved in this petition for writ stands covered by the

judgment of this Court in the case of Bhopal Singh Nahar v. State of Rajasthan & Anr., SBCivil Writ Petition No.2692/2005, decided on 15.9.2006. In the aforesaid writ petition this Court held that an order passed by the authority exercising quasi judicial powers if is not an out come of malafides or corrupt practice then it may be a judicial error but does not constitute any misconduct. In the instant matter too there is no allegation of adoption of corrupt practices by the petitioner.

Consequently, this petition for writ is allowed. The notice impugned dated 4.1.2005 issued by the respondent No.1 is hereby quashed.

(GOVIND MATHUR),J.

kkm/ps.